

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Michael C. Jones

Serial No. : Art Unit:

Filed : Examiner:

For : Radial Impaction Bone Tamp and Associated Method

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope addressed
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September 26, 2003
(Date of Deposit)

Karen Portz
(Name of applicant, assignee, or Registered Representative)


(Signature)

September 26, 2003
(Date of Signature)

Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/DEP5086/JSW the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or

☐ Please charge Deposit Account No. 10-0750/DEP5086/JSW the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☐ There are no listed references which are not in the English language.

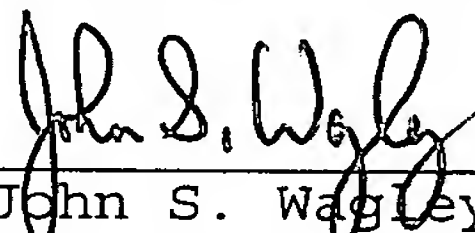
☐ The relevance of those listed references which are not in the English language is as follows:

☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/DEP5086/JSW. This form is submitted in triplicate.

Respectfully submitted,



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DATED: September 26, 2003

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 2

Application Number

Filing Date

First Named Inventor

Michael C. Jones

Group Art Unit

Examiner Name

Attorney Docket Number

DEP5085

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code ² (if known)			
		2002/0058949		Iaia	05-16-2002	
		5,047,035		Mikhail, et al.	09-10-1991	
		5,089,004		Averill et al.	02-18-1992	
		5,108,405		Mikhail, et al.	04-28-1992	
		5,129,283		Koehler	07-14-1992	
		5,147,408		Noble et al.	09-15-1992	
		5,180,388		DiCarlo	01-19-1993	
		5,197,967		Wilson	03-30-1993	
		5,222,955		Mikhail	06-29-1993	
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		5,234,433		Bert et al.	08-10-1993	
		5,312,412		Whipple	05-17-1994	
		5,324,293		Rehmann	06-28-1994	
		5,601,564		Gustilo, et al	02-11-1997	
		5,658,293		Vanlaningham	08-19-1997	
		5,718,707		Mikhail	02-17-1998	
		5,755,720		Mikhail	05-26-1998	
		5,766,178		Michielli et al	06-16-1998	
		5,788,704		Timperley	08-04-1998	
		5,897,560		Johnson	04-27-1999	
		5,928,240		Johnson	07-27-1999	
		5,935,169		Chan	08-10-1999	
		6,013,080		Khalili	01-11-2000	
		6,015,408		Pichon, et al.	01-18-2000	
		6,139,583		Johnson	10-31-2000	
		6,142,998		Smith et al.	11-07-2000	
		6,143,030		Schroder	11-07-2000	
		6,228,092		Mikhail	05-08-2001	
		6,248,110		Reiley, et al.	06-19-2001	
		6,270,502		Stulberg	08-07-2001	

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) Sheet 2 of 2	Application Number	
	Filing Date	
	First Named Inventor	Michael C. Jones
	Group Art Unit	
	Examiner Name	
	Attorney Docket Number	DEP5085

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T ⁶
		Office ³	Number ⁴	KindCode ⁵				
		EP	0 006 314	A1	Wadsworth	01-09-1980		
		EP	0 121 142	B1	Whiteside	07-29-1987		
		EP	0 139 520	B1	Kenna	05-25-1988		
		EP	0 178 174	A2	Haynes	04-16-1986		
		EP	0 586 824	A1	Battaglia	03-16-1994		
		EP	0 595 956	B1	Mikhail, et al.	09-02-1998		
		EP	0 700 272	B1	Kashuba, et al.	01-07-1999		
		EP	0 705 579	B1	Timperley	07-31-2002		
		EP	0 913 136	A3	Khalili	07-21-1999		
		WO	92/02183	A1	Mikhail, et al.	02-20-1992		
		WO	96/25113	A1	Johnson	08-22-1996		
		WO	98/29045	A1	Mikhail	07-09-1998		

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450